



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207466

Applicant Name: Larry Dewalt

Address of Proposal: 322 11th Ave E.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four (4) lots (unit subdivision). Proposed lot sizes are: A) 1,311 square feet; B) 684 square feet, C) 684square feet, and D) 1,309 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related project: establish use as and construct a four unit (4) townhouse structure and occupy per plans, all under MUP No. 2100539 (permit No. 728968).

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION:

[X] Exempt [] DNS [] MDNS [] EIS

[] DNS with conditions

[] DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 4,000 square foot property is located between 11th Ave E. and 12th Ave E in the Capitol Hill area of Seattle. Access to the site is via 11th Ave E and E Harrison St., which are paved and improved with concrete curbs, gutters, planter strips and sidewalks on both sides of the street. Vehicle access is provided via E Harrison St. The four (4) unit townhouse structure is currently being constructed on site. The parcel is not located in any identified or designated Environmentally Critical Area.

The subject property and surrounding lots are zoned Multi-family Lowrise 3 (L-3). Development in the area consists of one and two-story single-family dwelling units which are consistent with the Land Use Code, considering the area's history of zoning.

Proposal

The proposal is to subdivide one parcel into four (4) unit subdivision lots with vehicle access provided from E Harrison St., which abuts the north property line of the site. Direct vehicle access to the proposed lots and future dwelling units will be via two (2) ten (10') foot curbcuts which access the garages within each unit, no easements for vehicle access are required. The four (4) unit townhouse structure is currently under construction at the site. Each unit will have parking within the structure. Proposed lot sizes are as indicated in the summary above. All lots have direct pedestrian access to E Harrison St. Additionally, lot A also has direct pedestrian access to 11th Ave E.

Note that the construction of the proposed townhouse structure has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit MUP No. 2100539 (permit No. 728968). The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on December 11th, 2002. During the public comment period, DCLU received two written comments. The comments expressed general concerns about not receiving notification of the townhouse construction and the current off street parking requirement for townhouses.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

Conformance to the applicable Land Use Code provisions;

1. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
2. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
3. *Whether the public use and interests are served by permitting the proposed division of land;*
4. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
5. *Is designed to maximize the retention of existing tree;.*
6. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per eight (800) hundred square feet of lot area. Given a lot area of approximately 4,000 square feet, five (5) units are allowed and four are proposed. Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum required setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side yard setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. Rear yard setback is twenty-five (25) feet or fifteen (15) percent of the lot depth, in no case less than fifteen (15) feet. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility

extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on January 24th, 2003. There is a twelve (12") inch standard water main located in E Harrison St. which serves the site. There is an eight-inch (8") public sanitary sewer (PS) located in E Harrison St, which was originally a combined sewer. Plan review requirements were made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

4. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are presently no trees on site. The GIS aerial picture (1999) indicates that there were approximately two (2) trees on the site. However, the trees were located near the proposed building footprint and the access to parking, in turn they were removed. Thus, the provision requiring that the subdivision be designed to maximize the retention of existing trees is not applicable. SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. There are eleven (11) trees to be planted as detailed in the landscape plan reviewed under MUP No. 2100539 (permit No. 728968), in concurrency with the Land Use Code.
7. The applicant proposes the construction of multi-family dwellings on the subject site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2100539 (permit No. 728968). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited.

Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, C, and D are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 3 zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards of the set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.

4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.

Signature: (signature on file) Date: February 6, 2003
Lucas DeHerrera, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

LJD:vw

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